IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1848 of 2007(T)

PETITIONER:

V.O. THOMAS,
VELIYATH HOUSE,
KADAPPURAM, KORATTY P.O.,
THRISSUR DISTRICT.

BY ADV. SMT.K.USHA
SRI.S.SHARAN

RESPONDENTS:

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1. THE KORATTY GRAMA PANCHAYAT, REP. BY ITS SECRETARY, KORATTY P.O., THRISSUR DISTRICT.

2. THE KORATTY GRAMA PANCHAYAT COMMITTEE, REPRESENTED BY ITS PRESIDENT, KORATTY P.O.

3. STATE OF KERALA, REP. BY ITS SECRETARY, HEALTH DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

R3 BY ADV. SRI. MATHEW G. VADAKKEL, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.1848 OF 2007

Dated this the 16th day of January, 2007

JUDGMENT

The grievance of the petitioner is that even though Ext.P5 appeal (wrongly described as a revision petition) submitted by him is pending before the Committee of the 1st respondent Panchayat, the Secretary of the Panchayat is going ahead with coercive action for closing down his chicken farm. I do not propose to examine the merits of the grounds raised. But since Ext.P5 is seen pending before the Committee of the Panchayat, it is only appropriate that the Committee takes an early decision on Ext.P5. Accordingly, the Writ Petition will stand disposed of with the following directions:

The Committee of the 1st respondent Panchayat will take up Ext.P5 and hear the petitioner and dispose of the same in accordance with law and at the earliest and at any rate within six weeks of receiving copy of this judgment. The Committee will hear at least one representative of the persons who filed complaint against the conduct of chicken farm by the petitioner before taking a decision on Ext.P5. Till such time as Ext.P5 is finally disposed of, the status quo obtaining as on today regarding the chicken farm will be maintained. In other words, the

petitioner will not have the right of bringing any new chicken to the farm and can only continue to grow chickens which is presently having in the farm.

PIUS C. KURIAKOSE, JUDGE

btt